

UNITED STATES DISTRICT COURT  
for  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY JE D.C.

05 JUL 20 AM 6:45

U.S.A. vs. WYNTEA EARNEST

00-20122

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
Docket No. 2:00CR20122-01  
W.D. OF TN, MEMPHIS

**Petition on Probation and Supervised Release**

COMES NOW FREDDIE MCMASTER II PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Wynta Earnest who was placed on supervision by the Honorable Bernice B. Donald sitting in the Court at Memphis, TN on the 17th day of September, 2001 who fixed the period of supervision at three (3) years\*, and imposed the general terms and conditions theretofore adopted by the court and also imposed special conditions and terms as follows:

The defendant shall pay \$29,980.19 restitution (balance \$29,980.19).

The defendant shall seek and maintain employment.

The defendant shall provide full-financial disclosure to the Probation Office.

Modified April 22, 2003, to include participation in mental health treatment and drug and alcohol testing and treatment as directed by the Probation Office.

\*Term of Supervised Release began March 22, 2003, was revoked October 22, 2004, with a sentence of time served with a new one (1) year term of Supervised Release with the following additional condition:

The defendant shall serve six (6) months in a halfway house.

\*New term of Supervised Release that began October 22, 2004, was revoked April 18, 2005, with a sentence of time served and a new term of eight (8) months Supervised Release with the following special condition:

The defendant shall serve eight (8) months in a halfway house.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

**(PLEASE SEE ATTACHED)**

**PRAYING THAT THE COURT WILL ORDER** a Summons be issued for Ms. Earnest to appear before the Honorable Bernice B. Donald to answer charges of violation of Supervised Release.

**ORDER OF COURT**

Considered and ordered this 19<sup>th</sup> day  
of July, 2005 and ordered filed and  
made a part of the records in the above case.

James A. R. R. R.  
United States District Judge

I declare under penalty of perjury that the foregoing  
is true and correct.

Executed on July 8, 2005

Freddie McMaster II

U.S. Probation Officer

Place: Memphis, Tennessee

This document entered on the docket sheet in compliance  
with Rule 55 and/or 32(b) FRCP on 7-20-05

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**Earnest, Wynta**

**Docket No. 2:00CR20122-001**

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**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

**THE DEFENDANT HAS VIOLATED THE FOLLOWING CONDITIONS OF SUPERVISED RELEASE:**

**The defendant shall serve eight (8) months in a halfway house.**

Ms. Earnest began her initial six (6) month period of community confinement at the Diersen Charities Halfway House in Memphis on December 15, 2004. Following a revocation hearing before Your Honor on April 18, 2005, she was to remain in the facility for eight (8) months with a completion date of December 17, 2005. She was discharged on June 29, 2005, due to non-compliance.

## VIOLATION WORKSHEET

1. Defendant Wynta Earnest 1537 David Memphis, TN 38114
2. Docket Number (Year-Sequence-Defendant No.) 2:00CR20122-001
3. District/Office Western District of Tennessee (Memphis)
4. Original Sentence Date 09 17 01  
month day year

(If different than above):

5. Original District/Office \_\_\_\_\_
6. Original Docket Number (Year-Sequence-Defendant No.) \_\_\_\_\_
7. List each violation and determine the applicable grade {see §7B1.1}:

<u>Violation{s}</u>	<u>Grade</u>
<u>Failure to complete 8 months community confinement</u>	<u>C</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
8. Most Serious Grade of Violation (see §7B1.1(b))	<u>C</u>
9. Criminal History Category (see §7B1.4(a)) <sup>74</sup>	<u>III</u>

10. Range of imprisonment (see §7B1.4(a))

**5-11 months\***

\*Being originally convicted of a Class D felony and having served 53 days on a previous revocation sentence, the statutory maximum term of imprisonment is 22 months 7 days; 18 U.S.C. §3583(e)(3).

11. Sentencing Options for Grade B and C violations Only (Check the appropriate box):

- ☒ (a) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c) (1) provides sentencing options to imprisonment.
- ☐ (b) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c) (2) provides sentencing options to imprisonment.
- ☐ (c) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Mail documents to: United States sentencing Commission, 1331 Pennsylvania Avenue, N.W.  
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit

**12. Unsatisfied Conditions of Original Sentence**

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation {see §7B1.3(d)}:

Restitution (\$) <u>\$29,980.19</u>	Community Confinement <u>168 days</u>
Fine (\$) <u>N/A</u>	Home Detention <u>N/A</u>
Other <u>N/A</u>	Intermittent Confinement <u>N/A</u>

**13. Supervised Release**

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3 {see §§7B1.3(g)(1)}.

Term: N/A to N/A years

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment impossible upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment {see 18 U.S.C. §3583(e) and §7B1.3(g)(2)}.

Period of supervised release to be served following release from imprisonment: \_\_\_\_\_

**14. Departure**

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

Pursuant to §7B1.3(d) any community confinement previously imposed that remains unserved at the time of  
revocation may be served in addition to the sanction determined under §7B1.4. Thus, the adjusted range, taking  
into account the unserved Community Confinement, would be approximately 11-17 months.

**15. Official Detention Adjustment {see §7B1.3(e)}: months \_\_\_\_\_ days \_\_\_\_\_**

Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.  
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit



## Notice of Distribution

This notice confirms a copy of the document docketed as number 84 in case 2:00-CR-20122 was distributed by fax, mail, or direct printing on July 20, 2005 to the parties listed.

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Honorable Bernice Donald  
US DISTRICT COURT